

FILED
APR 12 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DICK HENDRICKS,

Civil Case No. 07-1080-ST

Petitioner,

O R D E R

v.

BRIAN BELLEQUE,

Respondent.

Tonia L. Moro
Assistant Federal Public Defender
15 Newtown Street
Medford, Oregon 97501

Attorney for Petitioner

Jacqueline Sadker Kamins
State of Oregon
Department of Justice
1162 Court Street, NE
Salem , Oregon 97301

Attorney for Respondent

KING, Judge:

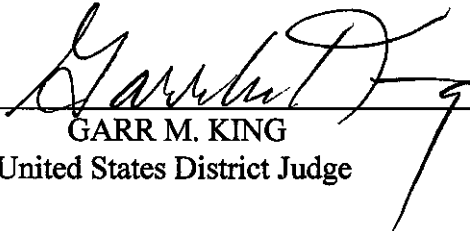
The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on February 2, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart (#47) dated February 2, 2010 in its entirety.

IT IS HEREBY ORDERED that the Amended Petition for Writ of Habeas Corpus (#11) is denied. The Court also declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 USC § 2253(c)(2).

DATED this 12 day of April, 2010.


GARR M. KING
United States District Judge